United Nations A/66/PV.94

General Assembly

Sixty-sixth session

Official Records

94th plenary meeting
Wednesday, 25 January 2012, 11 a.m.
New York

President: Mr. Al-Nasser. . . . . (Qatar)

The meeting was called to order at 10.50 a.m.

Tribute to the memory of His Excellency Mr. Malam Bacai Sanhá, President of the Republic of Guinea-Bissau

The President (*spoke in Arabic*): It is my sad duty to pay tribute to the memory of the late President of the Republic of Guinea-Bissau, His Excellency Mr. Malam Bacai Sanhá, who passed away on 9 January.

On behalf of the General Assembly, I request the representative of Guinea-Bissau to convey our heartfelt condolences to the Government and people of Guinea-Bissau and to the bereaved family of His Excellency Mr. Malam Bacai Sanhá.

I now invite representatives to stand and observe a minute of silence in tribute to the memory of His Excellency Mr. Malam Bacai Sanhá.

The members of the General Assembly observed a minute of silence.

Agenda item 138 (*continued*)

Scale of assessments for the apportionment of the expense of the United Nations (A/66/668)

The President (*spoke in Arabic*): In document A/66/668, the Secretary-General informs the President of the General Assembly that 21 Member States are in arrears in the payment of their financial contributions to the United Nations within the terms of Article 19 of the Charter.

I remind delegations that, under Article 19 of the Charter,

> "A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years."

May I take it that the General Assembly takes note of the information contained in document A/66/668?

It was so decided.

Agenda item 33 (*continued*)

The role of diamonds in fuelling conflict

Draft resolution (A/66/L.34)

The President (*spoke in Arabic*): Members will recall that the Assembly held the debate on agenda item 33 at its 90th plenary meeting, on 20 December 2011.

I now give the floor to the representative of the Democratic Republic of the Congo to introduce draft resolution A/66/L.34.

Mr. Ngay (Democratic Republic of the Congo) (*spoke in French*): On 20 December 2011 (see A/66/PV.90), the 2011 Chairman of the Kimberley Process Certification Scheme, Mr. Matthieu Yamba, had the honour of presenting to the General Assembly the report of the Process (A/66/593, annex). I now have the honour of taking the floor on behalf of my delegation and of all 44 sponsors to introduce the draft resolution entitled "The role of diamonds in fuelling conflict: breaking the link between the illicit transaction of

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rough diamonds and armed conflict as a contribution to prevention and settlement of conflicts" (A/66/L.34).

Since the adoption, on 1 December 2000, of the General Assembly's first resolution on the role of diamonds in armed conflict (resolution 55/56), and the creation of an international certification system for diamonds, the General Assembly has never missed an opportunity to reaffirm its firm and consistent support for the Kimberley Process Certification Scheme. The draft resolution before the Assembly is part of this context. In both its structure and content, it conveys the aspirations of Member States, as expressed in resolutions adopted by the Assembly on blood diamonds at previous sessions, and draws directly on the text of resolution 65/137, of 16 December 2010.

Resolution 65/137 contained 23 operative paragraphs; the current text includes an additional 10 paragraphs that reflect the progress made during the plenary in Kinshasa. This includes the implementation of a framework that meets the minimal requirements of the Kimberley Process Certification Scheme, with the addition of new members and new elements, including monitoring and assessment by peer review; cooperation with the World Customs Organization; traceability-related technology; and a strengthening of internal control.

The Kinshasa plenary adopted two key decisions on the reform of the Process. Paragraph 24 of the draft resolution acknowledges four administrative decisions in addition to those mentioned in paragraphs 19 and 21, including the administrative decision on Marange, Zimbabwe. In paragraph 30, the draft resolution reaffirms the importance of the tripartite nature of the Kimberley Process, regrets the absence of civil society from the Kinshasa plenary, and welcomes the decision by the plenary to reaffirm its commitment to continue its constructive engagement with civil society in recognition of the role that civil society plays in the Kimberley Process.

Finally, paragraph 31 notes with great appreciation the important contribution that the Democratic Republic of the Congo, as Chair of the Kimberley Process in 2011, has made to curb the trade in conflict diamonds. It also welcomes the selection of the United States of America as Chair and of South Africa as Vice-Chair for 2012.

In concluding the introduction of his report, on 20 December 2011, the Chair of the Kimberley Process for 2011 said:

> "Contrary to tradition, because there is a lack of consensus, I will not be able to submit the draft resolution to the General Assembly. Discussions are continuing with all parties so as to arrive at a text that reflects everyone's views, in the interest of the great family of the United Nations."

I am pleased to inform the Assembly today that developments have been positive. The draft resolution before us represents the outcome of the lengthy negotiations that began in December 2011. It may not be a perfect text, but it is the result of a compromise that saw a consensus achieved, on the basis of the differing views of delegations, on a common objective: the promotion of a joint initiative among Governments, the diamond industry and civil society aimed at keeping blood diamonds out of the legal international market. In other words, the goal is to limit the role that conflict diamonds play in armed conflicts, protect the legal trade in diamonds and guarantee the effective implementation of resolutions relevant to the trade in conflict diamonds.

I should like to thank the delegations of the States that participated in the Kimberley Process, which took an active role in preparing the current draft. It is thanks to their spirit of cooperation that we have been able to narrow differences and achieve a consensus. I should also like to thank the Secretary-General and the General Assembly Affairs Branch for their assistance in that respect.

On that basis, I would recommend that the plenary join with the sponsors and other participants in the Kimberley Process to ensure that the draft resolution is adopted by consensus.

The President (*spoke in Arabic*): We shall now proceed to consider draft res ' ution A/66/L.34.

Before giving the floor to speakers in explanation of position, may I remind delegations that explanations are limited to 10 minutes and should be made by delegations from their seats.

Mrs. Chikava (Zimbabwe): Zimbabwe would also like to take this opportunity to express its deep gratitude to the current Chair of the Kimberley Process, Mr. Mathieu Yamba of the Democratic Republic of Congo, and his team for their clear and informative report (A/66/593, annex), as well as their able stewardship of the Kimberley Process over the past year. That is evident in the balanced draft resolution (A/66/L.34) that they have presented for our consideration.

Zimbabwe would like to express its utmost appreciation for the milestone decision taken by the Kimberley Process at its plenary meeting held last November in Kinshasa to certify the Marange diamonds, thereby enabling Zimbabwe to freely sell its diamonds on the international market. The decision was overdue, as the welfare of the people of Zimbabwe depended on it. In addition, the decision will enable Zimbabwe to realize its dream of developing a vibrant diamond industry. Let me reiterate our firm stance that Zimbabwe, as a founding member of the Kimberley Process Certification Scheme, is fully committed to upholding the organization's standards and objectives. Any protestations to the contrary should be laid to rest.

We fully acknowledge the professionalism and resolve of the African Diamond Producers Association in ensuring that the Kimberley Process Certification Scheme remains focused on its core business. It was its commitment to fair and transparent processes that ensured that the process continued to respect the certification standards acceptable to all participants. They undertook visits to Marange and satisfied themselves that the mining operations there fully complies with the minimum requirements of the Kimberley Process. In that regard, Zimbabwe would like to express its gratitude to the African diamond-producing countries for their solidarity with us during the past three years of contention and impediments imposed by some members of the Kimberley Process over Marange diamonds. It was their solidarity that resulted in the Process certifying Marange diamonds as conflict-free. We would like to reiterate our stance that the Marange diamonds are not "blood diamonds" by any standard, a fact that has been certified by Kimberley Process monitors.

Despite the outcome of the Kinshasa plenary meeting regarding Marange diamonds, we note with grave concern that there are still participating countries that continue their efforts to deny Zimbabwe the right to benefit from Marange diamonds. A few weeks after the Kinshasa meeting, therefore, a number of companies mining Marange diamonds were slapped with sanctions. We wonder how the countries doing that want to be judged in terms of their commitment to abide by the decisions of the Kimberley Process. It is important that the decisions made by the Process be upheld and respected if the organization is to realize its goals and objectives. Zimbabwe wants economic progress and must not be held back by issues outside the framework of the Process. Instead, we should be given a chance to use our God-given natural resources to develop our economy and raise the living standards of our citizens. We believe that the days of bickering belong to the past and have no place in the future work of the Kimberley Process.

Zimbabwe therefore stresses the need for the Kimberley Process to stick to its founding statute, rules and mandates. It must remain insulated against the influence of national, bilateral and regional political agendas. Politicking should not be allowed to infiltrate and influence its work. No member should pursue agendas that are alien to it. The Kimberley Process should not be allowed to be plunged into turmoil over issues that are outside its mandate.

Finally, while Zimbabwe fully acknowledges the role of civil society in the Kimberley Process, it would like to stress that that role must not be hijacked by certain countries that wish to use it as an instrument to hamper the developmental aspirations of members of the Process. We note with great concern the use of civil society by certain powerful countries to advance their own hidden agendas in the context of the Kimberley Process.

My delegation wishes the incoming Chair of the Process success and constructive leadership and hopes that the Process will continue to be directed through consultations and with the utmost cooperation, transparency and impartiality. The Process can count on our cooperation as long as it implements agreed positions without prejudice to any members.

The President (*spoke in Arabic*): The Assembly will now take a decision on draft resolution A/66/L.34, entitled "The role of diamonds in fuelling conflict: breaking the link between the illicit transaction of rough diamonds and armed conflict as a contribution to prevention and settlement of conflicts".

I give the floor to the representative of the Secretariat.

Mr. Botnaru (Department for General Assembly and Conference Management): I should like to announce that, since the submission of draft resolution A/66/L.34, in addition to those delegations listed in the document, the following countries have become sponsors: Armenia, Bosnia and Herzegovina, Iceland, Montenegro, New Zealand, the Republic of Moldova, Serbia, Singapore and Ukraine.

The President (*spoke in Arabic*): May I take it that the Assembly decides to adopt draft resolution A/66/L.34?

Draft resolution A/66/L.34 was adopted (resolution 66/252).

The President (*spoke in Arabic*): I give the floor to the representative of the United States of America.

Mr. DeLaurentis (United States of America): The United States is honoured and grateful for the opportunity to serve as the Kimberley Process Chair for 2012. We look forward to working closely with the Vice-Chair, the Republic of South Africa, in the year ahead to advance the credibility of the Process and the efficacy of its work. We thank the Democratic Republic of the Congo for its leadership as the Kimberley Process Chair in 2011.

The Kimberley Process is making tangible progress in breaking the link between illicit transactions in rough diamonds and armed conflict. However, we believe there is still much work to be done. Further efforts are needed to fully and meaningfully address this challenge in the second decade of the twenty-first century. We need integrated solutions to the development and enforcement challenges that are implicated by the diamond trade — solutions that benefit from the involvement of the private sector and non-governmental organizations. Until necessary changes are made to ensure that the diamond trade brings prosperity to all those throughout the supply chain, the risk will continue that diamonds will be used to fuel conflict.

The Kimberley Process has confronted a succession of complex challenges over the past several years, raising questions about both the credibility of the Process and its future sustainability. As Chair, the United States will seek to ensure that all stakeholders in the Process — Governments, industry and civil society — roll up our sleeves and rededicate ourselves to the progress of this initiative.

At the 2011 plenary, a founding pillar of the Kimberley Process — civil society — was absent. The United States is committed to advancing reforms that will bring civil society back to that forum to ensure that the Kimberley Process reflects the voices of all stakeholders, including those of local communities, producers, traders and consumers. The commitment of those groups and the willingness of countries to work with them remain essential to our collective objective of effectively addressing the nexus between diamonds and conflict.

As Chair, we will be committed to bringing consensus-based decisions on the fundamental issues facing the Process to the plenary in 2012. All stakeholders have a responsibility to ensure that, as the Kimberley Process Certification Scheme approaches its tenth anniversary, it continues to be relevant. Among our priorities as Chair, we intend to seek an evaluation of whether changes to the original mandate are needed. In addition, we look forward to pursuing the Kinshasa plenary's decision to explore the creation of a much-needed administrative staff that can better handle the many technical tasks now expected of the Kimberley Process Chair and other participants. Finally, we will also seek to promote discussion of how the Process can progress on other governance, enforcement and development issues, particularly with respect to improving outcomes for artisanal miners.

In conclusion, we look forward to engaging all stakeholders in 2012 as we pursue a stronger and more effective Kimberley Process.

The President (*spoke in Arabic*): May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 33?

It was so decided.

Agenda item 127

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Letters from the Secretary-General (A/66/620 and A/66/625)

Letter from the President of the Security Council (A/66/660)

Draft decision (A/66/L.35)

The President (*spoke in Arabic*): We shall now proceed to consider draft decision A/66/L.35.

May I take it that the General Assembly wishes to adopt the draft decision?

Draft decision A/66/L.35 was adopted.

The President (*spoke in Arabic*): The General Assembly has thus concluded this stage of its consideration of agenda item 127.

The meeting rose at 12.20 p.m.